

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
)	CRIMINAL NO. 04-10387-RGS
v.)	
)	
)	
WILLIE DANCY,)	
)	
Defendant.)	

**GOVERNMENT'S MEMORANDUM OF LAW IN OPPOSITION
TO DEFENDANT'S MOTION TO SUPPRESS EVIDENCE**

The United States of America, by and through its attorneys, Michael J. Sullivan, United States Attorney, and Assistant U.S. Attorney Antoinette E.M. Leoney, submits this memorandum of law in opposition to Defendant's Motion to Suppress Evidence in the above-captioned matter.

Defendant Willie Dancy ("Dancy") argues for the suppression of a .22 caliber handgun and its ammunition found on his person by Officers of the Brockton and Massachusetts State Police Departments following the public discharge of a firearm. (See Def.'s Motion to Suppress at 1). Dancy avers that the discovery of his sidearm and ammunition was the result of a seizure that instantaneously developed into a *de facto* arrest, and that this arrest was illegal for lack of probable cause. (See Id. at 3). As such, he argues, the resulting evidence should be subject to suppression under the rubric of the exclusionary sanction. (See Id.).

Dancy's flimsy arguments run counter to both the facts and

governing case law, as his arrest by expert law enforcement personnel was firmly grounded in probable cause. The reasonable belief that Dancy had committed a crime minutes before his arrest sprang from reliable and accurate information.

Assuming, arguendo, as Dancy puts forth, that his arrest was for some reason *not* supported by probable cause, his seizure was a valid Terry stop that did not rise to the level of a de facto arrest. This brief investigatory detention did not exceed the permissible levels of a Terry intrusion. The police clearly acted reasonably under the circumstances, as any interference with Dancy's Fourth Amendment rights was justified given the overarching safety risks faced by the officers. The discovery of a sidearm and ammunition was the factual result of admirable police work. Dancy's Motion to Suppress Evidence should thus be denied by this Court.

FACTUAL SUMMARY¹

At approximately 9:00 pm on December 8, 2004, plain-clothed Detective Mark Reardon (Det. Reardon) of the Brockton Police Department was stopped in an unmarked car at a traffic signal at the intersection of Main Street and Perkins Avenue in Brockton, Massachusetts. (See Exhibit A). Det. Reardon, facing south on

¹The factual summary is based on the attached exhibits, which are denoted here as Exhibits A through J. The government also anticipates that these facts will be elicited at any suppression hearing, as well as, at trial.

Main St., noticed a black Mercedes-Benz in the parking lot of the Gas Depot located across Perkins Ave. with several males around the vehicle. (See Id.). Because Main St. in Brockton is considered a "high-crime" area by local law enforcement officers, Det. Reardon observed the scene with interest and began to enter the license number of the Benz into his computer while slowly turning left onto Perkins Ave. Det. Reardon then noticed a black male, whose gait suggested that he was "being chased or was chasing someone," moving westerly on Perkins Ave. (See Id.).

The man passed Det. Reardon's driver-side window and raised a "dark-colored, large-frame semi-auto from his side," pointing it at the Mercedes as it sped out of the Gas Depot and away from the gunman. (See Id.). Det. Reardon was now observing the scene while driving slowly adjacent to the black male on Perkins Avenue. The black male gunman seemed "enraged" at the Mercedes' departure; he took several steps easterly along Perkins Ave., then stopped and fired a shot from the sidearm into the air. (See Id.).

The shooter then continued briskly along Perkins Ave. as Det. Reardon called in the incident over his police radio, requesting assistance to apprehend a volatile triggerman carrying a loaded firearm.² (See Id.). His proximity to the suspect due

²The turret tape from the evening in question is unavailable; the Brockton Police Department experienced a two-week taping malfunction when this event occurred.

to the orientation of the car afforded Det. Reardon an excellent vantage point, allowing him to describe the man with particularity. He radioed that the suspect was a black male with a corn row hairstyle, dressed in a gray hooded sweatshirt with writing on the front and dark blue jeans. (See Id.).

The shooter then turned into an alleyway between buildings on Perkins Ave., where Det. Reardon lost visual contact. (See Id.). Det. Reardon had been close enough to the shooter to also make out some facial features, and he radioed the approaching cruisers dispatched as backup that the shooter looked "similar in appearance" to David Taylor, a known player in the Brockton drug and gun scene. (See Exhibits A, H). Det. Reardon then turned left onto Montello Street to intercept the shooter. Failing to observe the male flee the area, Det. Reardon took up a vantage point behind Boomer's Bar (Boomer's), an establishment notorious to local law enforcement for its clientele. (See Exhibit A). Many of Brockton's drug and gun players were known to frequent the bar; Det. Reardon determined the shooter had entered Boomer's. (See Id.).

Det. Reardon and the officers arriving to back him up were members of a close-knit group of Brockton and State Police firearms, drug and gang specialists. Just prior to this incident, these officers had finished having dinner together; within minutes of the shooting, Det. Reardon's colleagues and

other officers surrounded the scene in several cruisers.

Boomer's has one front entrance on Perkins Ave. and a rear point of egress for the smoking area and the parking lot.

Officer Thomas Hyland (Officer Hyland) of the Brockton Police Department, along with Massachusetts State Police Sgt. Mark Kiley (Sgt. Kiley) and Trooper Frank Walls (Trp. Walls), both of the State Police Gang Unit, entered the rear door. (See Exhibit B). Trp. Walls was the first through the back door. He saw Dancy, who matched Det. Reardon's description of the triggerman, several feet away and walking towards him. (See Def.'s Motion at 2). Upon seeing Trp. Walls, Dancy quickly turned around evasively and attempted to flee. (See Exhibit A).

Trp. Walls moved swiftly. His experience dealing with armed suspects, the information received from Det. Reardon, and also fearing for the safety of himself, his fellow officers and the patrons in the bar prompted him to immediately grasp the suspected shooter from behind. (See Id.). Dancy began to struggle. (See Id.). Trp. Walls instinctively grabbed the right front pocket of Dancy's leather jacket and instantly felt a firearm, stating "Gun!" to the other officers. (See Id.). Dancy continued to resist, yelling "Get off me nigger, I ain't got no gun!" as Officer Hyland moved to assist Trp. Walls in subduing the volatile suspect.

Dancy "repeatedly" attempted to pull the gun out of his

jacket during the altercation and tried to hand it to a bystander, later identified as Michael Bourne (Bourne), who was standing nearby. (See Id.). However, Bourne refused the weapon and it dropped to the floor. (See Id.). Trp. Walls and Officer Hyland finally brought Dancy down, who still resisted their verbal and physical commands to submit. Dancy continued to fight, managing to wriggle out of his jacket and stand up; moments later he received a one to two second burst of pepper spray from Officer Michael Cesarini (Officer Cesarini), inducing submission.³ (See Exhibit C).

Officer Cesarini and Det. Reardon had entered through the front door, and moved quickly toward the rear of the bar while the situation with Dancy unfolded. (See Id.). Another bystander, later identified as Kevin Jones (Jones), stood next to a pool table near the altercation. As Officer Cesarini approached the rear of the bar, he noticed a dark colored 9mm semi-automatic handgun sitting on the floor next to Jones. (See Id.) Officer Cesarini ordered Jones to the ground while Officer Hyland and Trp. Walls grappled with Dancy on the other side of the pool table. (See Id.).

Officer Hyland, on the floor with Dancy, saw the 9mm slide towards him underneath the pool table, apparently pushed by

³Dancy was shortly thereafter administered a "bio-shield to neutralize" the pepper spray. (See Exhibit D).

Jones, who was the only individual on the other side of the table. (See Exhibit B). Det. Reardon and Officer Cesarini ordered Jones to show them his hands. Jones refused, stating "I'm just shooting pool." (See Exhibit A). Det. Reardon again ordered Jones to show his hands and Jones attempted to pull away. Before turning to aid Det. Reardon, Officer Cesarini quickly retrieved the 9mm and placed it on the pool table. (See Id.).

After quickly helping subdue Jones, Officer Cesarini pointed to the weapon on the pool table, and then administered pepper spray to Dancy. (See Exhibit C). Officer Cesarini's gesture prompted Officer Hyland to secure the Smith & Wesson 9mm, which had a live round in the chamber ready to fire and three live rounds in the clip. (See Exhibit B). With Dancy finally secured, Officer Hyland then recovered the .22 caliber pistol that fell from Dancy's jacket during his resistance. This North American Arms .22 caliber five-shot revolver was loaded with one live round of rim fire Super X ammunition. (See Indictment.) The bystander, Bourne, to whom Dancy tried to hand his weapon, became verbally abusive to the officers, and was also placed under arrest. (See Exhibit A).

After Dancy, Jones and Bourne were in custody, the officers secured the scene. Det. Reardon immediately confirmed that Dancy was the shooter he had witnessed discharge a dark-colored, large-frame 9mm semi-automatic handgun only minutes earlier. (See

Id.). Officer Scott Wilbur located a spent 9mm shell casing outside the rear door of Boomer's, and spoke with Boomer's bartender Alicia Costa-Burton, who stated that Dancy had "ran in...right before" the officers arrived on the scene. (See Id.).

The three individuals arrested at Boomer's that night were subsequently booked at the Brockton police station, where a Polaroid photograph and arrest photograph of Dancy were taken. (See Exhibits E, I). The Polaroid photograph clearly shows Dancy with corn rows, a gray hooded sweatshirt with writing across the chest and dark jeans. (See Exhibit E).

Jones and Dancy were processed first and placed in closely-situated holding cells while Bourne was being booked. State Trooper Erik Telford (Trp. Telford) was present in the cell block area behind a nearby wall and overheard Dancy and Jones discussing the events. (See Exhibit F). Trp. Telford noted that although neither man had been informed of the type or brand of handgun with which they were charged, Jones said to Dancy: "Yo Will, you know the *Smith & Wesson* don't take no prints." (See Id.)(emphasis added). Even though neither man was advised which weapon each would be charged with, Jones then stated to Dancy: "Will, I'm getting charged with the big one and you're getting charged with the little one...". Dancy replied: "*I know...and you think it's my fault because I had to go do that shit[.]*" (See Id.)(emphasis added). Dancy said to Jones that the officers

"found the burners [the guns] under the pool table, not in anyone's hand. They don't have shit." (See Id.).

Both weapons were later examined and test fired by Massachusetts State Police Ballistics Expert Trooper Michael Arnold (Trp. Arnold), who found both to be within the meaning of and as defined by the Massachusetts statutory parameters of firearms and ammunition. Trp. Arnold also positively matched the discharged 9mm cartridge shell found outside Boomer's by Officer Wilbur to the Smith & Wesson, 9mm caliber, found near Dancy and Jones. (See Exhibit G).

Finally, Dancy is 30 years old, and has a lengthy criminal history record. (See Exhibit J).

ARGUMENT

The handgun and ammunition seized from the person of Willie Dancy on December 8, 2004 following the public discharge of a firearm should not be suppressed because the arresting officers acted on the direct observations of an experienced fellow detective. At the time of Dancy's arrest, the officers possessed accurate and sufficient information to warrant a reasonable belief that Dancy was the shooter. The arrest was thus solidly founded on probable cause.

In the alternative, even if, arguendo, the officers somehow lacked such probable cause to arrest Dancy immediately, the encounter began as a facially valid Terry stop. During the

rapidly-developing situation, officers had legitimate reasonable suspicion that Dancy was the shooter. The momentary intrusion into Dancy's privacy paled in comparison to the safety risk perceived by the officers. The seizure, effectuated in the split-second before the officers obtained probable cause by feeling Dancy's handgun, did not exceed the permissible scope of a Terry stop. It thus did not transform into a de facto arrest requiring probable cause.

Both lines of inquiry run headlong into the conclusion that there is no plausible factual or legal support for Dancy's claim of illegal police activity. His motion to suppress should, therefore, be denied.

I. AT THE TIME OF DANCY'S ARREST, RESPONDING OFFICERS POSSESSED EVIDENCE SUFFICIENT TO WARRANT A REASONABLE BELIEF THAT DANCY WAS THE SHOOTER, THUS SUPPLYING PROBABLE CAUSE FOR THE ARREST.

Under the rubric of the Fourth Amendment, it is well established that warrantless arrests require probable cause as against the arrestee, and such felony arrests may be executed in a public place. See United States v. Watson, 423 U.S. 411 (1976). Without probable cause, arrests circumventing the impartiality requirements for a warrant are considered beyond the scope of legitimate police activity. See Wong Sun v. United States, 371 U.S. 471, 482 (1963). The constitutional validity of the discovery of evidence is coextensive with the validity of the attendant warrantless arrest. See Beck v. Ohio, 379 U.S. 89, 91

(1964). Evidence seized as a direct factual result of illegitimate police activity is deemed the "fruit" of such illegality and, as such, may not be used against the arrestee. See Wong Sun at 484-485 (citing Silverthorne Lumber Co. v. United States, 251 U.S. 385 (1920)).

Fourth Amendment reasonableness standards govern the concurrent analyses of a warrantless arrest and the resulting evidence. See Beck, 379 U.S. at 91. These analyses hinge on the existence probable cause. See Id. If such probable cause exists, "the arrest, though without a warrant, [is] lawful," and the resulting evidence admissible. Watson, 423 U.S. at 417 (quoting Draper v. United States, 358 U.S. 307, 310 (1959)).

Identifying probable cause turns on the "assessment of probabilities in particular factual contexts [that are] not readily...reduced to a neat set of legal rules." Illinois v. Gates, 462 U.S. 213, 232 (1983). That probable cause is a "fluid concept," Id., was echoed by Chief Justice Rehnquist of the Supreme Court, who stated that "articulating precisely what... 'probable cause' mean[s] is not possible." Ornelas v. United States, 517 U.S. 690, 695 (1996). The existence of probable cause is informed, then, by whether the "facts and circumstances within [a police officer's] knowledge...were sufficient to warrant a prudent man in believing that the [suspect] had committed or was committing an offense." Beck, 379

U.S. at 91.

Due to the rejection of formulaic judicial constructions of probable cause, courts reviewing warrantless arrests apply a totality of the circumstances test to determine whether the arrest was founded on probable cause. See United States v. Reyes, 225 F.3d 71, 75 (1st Cir. 2000)(citation omitted). See also Maryland v. Pringle, 540 U.S. 366, 371 (2003); United States v. Fiasconaro, 315 F.3d 28, 35 (1st Cir. 2002); United States v. Figueroa, 818 F.2d 1020, 1024 (1st Cir. 1987). A court is expected to examine the totality of "events leading up to [an] arrest," and, from the standpoint of an objectively reasonable officer, review these facts in light of the *probability* that a suspect was engaged in criminal activity. See Pringle, 540 U.S. at 371 (quoting Ornelas, 517 U.S. at 696). The government, in providing evidence to satisfy this test, is required not to present "evidence sufficient to convict[,] but *merely enough to warrant a reasonable belief*" that a suspect was engaging in criminal activity. Reyes, 225 F.3d at 75 (emphasis added).

Reliability of information also plays into the totality of the circumstances test. See e.g. Gates, 462 U.S. 213 (probable cause based on detailed informants' tip that was independently verified by officers). In Draper the Supreme Court stated that since the information at issue was received from a known and reliable source, and since the arresting officers personally

verified innocent information contained in the tip, the arrest was surely based on probable cause. See Draper, 358 U.S. at 313. Even the fact that the arresting officers themselves did not observe the suspect engage in any overtly criminal behavior could not persuade the Court otherwise. See Id.

In the instant case, an analysis of the totality of the circumstances surrounding Dancy's arrest indicates that his reach for the exclusionary sanction is baseless. Trooper Walls' reasonable belief that Dancy was the shooter Det. Reardon had observed minutes earlier is unshakeable. The totality of the circumstances here informing a probable cause analysis includes 1) the high-crime environment in which the situation developed; 2) the expertise of the officers involved; 3) the accuracy and particularity of the shooter's description; 4) the gunman's flight to Boomer's Bar; and 5) the dire safety risk posed by an armed and dangerous suspect, who didn't hesitate to point and shoot his gun.

Det. Reardon is an experienced and savvy officer of the law with years of investigation and field experience, and his knowledge of Brockton and its criminal elements is unquestioned. The detailed description of the gunman was drawn from his sustained sight line of a nearby suspect. Det. Reardon's instant post-arrest confirmation of Dancy as the Perkins Ave. shooter bears out the solidity of his observation. Contrary to what the

defendant would have us believe, a measured and accurate description was radioed by Det. Reardon to his fellow officers, one precise and effective enough for Trp. Walls to immediately recognize Dancy with a glance when entering Boomer's Bar. A comparison of the radioed description and Dancy's post-arrest Polaroid photo taken at the police station confirms Det. Reardon's accuracy. (See Exhibit E).

Furthermore, Trp. Walls received the shooter's description only minutes before Dancy's arrest from a detective whose expertise he knew. Trp. Walls was obviously justified in relying on this information in reasonably forming his belief that Dancy was the shooter. Entering Boomer's Bar, Trp. Walls instantly matched the description of an armed and dangerous gunman to Dancy. That Trp. Walls immediately grabbed Dancy was an instinctive reaction in the face of such a dangerous and rapidly developing situation. Upon seeing the officer, this suspect, on what Trp. Walls believed to be armed with a loaded handgun, turned abruptly and attempted to flee. Such evasive maneuvers could not but further confirm his belief that Dancy was the gunman. Further, Trp. Walls based his restraint of Dancy not only on matching an accurate and reliable description to Dancy and his evasiveness, but also on the high probability that Dancy posed an imminent and deadly risk to Trp. Walls himself, the other officers and the patrons in the bar. Given the known

willingness of the suspect to publicly discharge a firearm, Trp. Walls' actions were surely calculated to prevent both intentional and accidental bloodshed inside Boomer's Bar and on the streets of Brockton.

By his motion, Dancy implies a case of mistaken identity and impugns the basis for probable cause by emphasizing that as the shooter darted through the alley way towards Boomer's, Det. Reardon lost sight of him. This is a spurious insinuation in light of Det. Reardon's immediate confirmation that Dancy was the shooter once inside Boomer's. Even without such post-arrest rationalizations, it was wholly reasonable to determine that the shooter had entered Boomer's Bar given Det. Reardon's observation and knowledge of the surrounding area.

As a veteran of the Brockton police force familiar with the area, Det. Reardon did not see the shooter flee the block. He also knew that Boomer's Bar was a gathering place for individuals involved in the Brockton drug and gun scene. The gunman was wearing only a sweatshirt when he fired the shot; Boomer's Bar was the logical source for a man without a winter jacket in the Massachusetts December night. It was surely reasonable for Det. Reardon to form a belief that after a jaunt outside to menace the men in the Mercedes, the shooter returned immediately to the warmth of Boomer's Bar and his jacket. That Dancy was arrested inside Boomer's Bar wearing a leather jacket right after he ran

through the door lends further support for this belief.

Dancy also argues that notwithstanding Det. Reardon's pronouncement that the shooter "looked similar" to David Taylor, the description and identification were in fact not accurate. This is defused, however, with a cursory comparison of photographs of the two men, which allows their uncanny resemblance to spring forth. (Compare Exhibits H and I). Moreover, it was Dancy who was found inside Boomer's Bar armed with a handgun, not David Taylor.

Det. Reardon's expertise, the accuracy of his description, and its match to Dancy clearly indicate that Dancy's arrest was supported by probable cause. The temporal and spacial proximity of Dancy's arrest to the shooting also militate toward this conclusion. The above reasons, taken within the framework of a totality of the circumstances, demonstrate that probable cause existed, and as such Dancy's motion to suppress evidence should be denied.

II. EVEN IF DANCY'S ARREST WAS NOT SUPPORTED BY PROBABLE CAUSE, HIS SEIZURE BY POLICE WAS A VALID TERRY STOP.

For Fourth Amendment purposes, a seizure occurs when a police officer restrains an individual's freedom to walk away from an interaction. See Terry v. Ohio, 392 U.S. 1, 16 (1968). Such seizures made without probable cause, previously considered unreasonable, were found to be legitimate in Terry. See Id. Police officers are permitted to conduct brief detentions and

pat-frisks of persons against whom they have a reasonable suspicion of criminal activity. See Terry, 392 U.S. at 21-22; United States v. Maquire, 359 F.3d 71, 76 (1st Cir. 2004). Reasonable suspicion is a considerably less demanding standard than probable cause. See Illinois v. Wardlow, 528 U.S. 119, 123 (2000)(citing United States v. Sokolow, 490 U.S. 1, 7 (1989)). The basis for this reasonable suspicion must be grounded in "more than [an] inchoate and unparticularized...hunch." Maquire, 359 F.3d at 76 (quoting Sokolow, 490 U.S. at 7)(internal quotation marks omitted).

The propriety of an investigatory detention depends on "whether the officer's actions were justified at their inception," United States v. Trueber, 238 F.3d 79, (1st Cir. 2001)(citations and internal quotation marks omitted). Also scrutinized is whether "the scope of the stop was reasonable under the circumstances." Maquire, 359 F.3d at 77 (citation omitted). Initial justification for Terry stops can be based on "specific and articulable facts which, taken together with rational inferences derived from those facts, reasonably show...the stop was warranted." Id.

Here, Trp. Walls had a detailed description of an armed suspect willing to use his firearm. He was also cognizant that both the area and, in particular, the bar he was entering was rife with individuals involved in the narcotics trade. Trp.

Walls entered Boomer's Bar and saw Dancy walking towards him. It is clearly logical that Trp. Walls instantly formed a reasonable suspicion that Dancy was the dangerous gunman: he matched Det. Reardon's detailed description given and received over the radio only minutes earlier.

The evasive movement of Dancy suggested flight and heightened Trp. Walls' suspicion towards him. It is well established that nervous and evasive behavior lends weight to an officers' formulation of reasonable suspicion. Id. (citing United States v. Brignoni-Ponce, 422 U.S. 873, 885 (1975)). Instead of defusing Trp. Walls' reasonable suspicion that he was the gunman, Dancy increased it by engaging in evasive maneuvers suggesting attempted flight. Further, in Wardlow, the Supreme Court held that unprovoked flight, by a suspect in a high-crime area, *upon seeing the police* was alone justifiable grounds on which to form reasonable suspicion. See 528 U.S. at 124. In light of such overwhelming evidence and precedent, Dancy apparently does not contest that Trp. Walls had legitimate reasonable suspicion to seize him.

III. DANCY'S SEIZURE DID NOT EXCEED THE PERMISSIBLE BOUNDARIES OF AN INVESTIGATORY DETENTION AND DID NOT RISE TO THE LEVEL OF A DE FACTO ARREST REQUIRING PROBABLE CAUSE.

Dancy focuses on the single frame of his seizure, attempting to render meaningless the motion picture of the situation. He argues that in the instant between the seizure and when Trp.

Walls felt his sidearm, the interaction moved beyond the permissible boundaries of a Terry stop. It is unquestioned that once Trp. Walls discovered Dancy's gun, probable cause existed to disarm and arrest him. This split-second contact between officer and suspect before the firearm was discovered did not elevate the situation to a de facto arrest. Dancy's claim to the contrary finds shelter in neither relevant case law nor common sense.

De facto arrest occurs either when a Terry seizure exceeds the scope of a normally permissible investigatory detention, or when a suspect is restrained in a manner associated with formal arrest. See Maquire, 359 F.3d at 77. Although there is no "scientifically precise formula that enables courts to distinguish between investigatory stops and de facto arrests," a court must evaluate the entirety of the circumstances leading up to the restraint of a suspect. Id. (quotations and alterations omitted). The relevant inquiry rests on "how a reasonable man in the suspect's position would have understood his situation." Berkemer v. McCarty, 468 U.S. 420, 441 (1984).

Dancy couches his argument that he "understood being grabbed by the officer...to amount to no less than an arrest" in the split-second physical contact administered by Trp. Walls. Def.'s Motion at 4. The First Circuit Court of Appeals roundly rejected this type of argument in Maquire. They stated that winnowing the scope of inquiry to "the discrete moment" of seizure by physical

contact "without considering the totality of the circumstances" was to commit error. See Maquire, 359 F.3d at 77-78.

In spite of this, Dancy claims that the physical nature of his seizure transformed it into a de facto arrest. Physicality during a Terry stop does not alone bring arrest, as an officer touching a suspect "merely establishes that a seizure occurred." United States v. Zapata, 18 F.3d 971, 977 (1st Cir. 1994). The Zapata court stated also that an "investigatory stop necessarily carries with it the right to use some degree of physical coercion" against the suspect. 18 F.3d at 976-977 (quoting Graham v. Connor, 490 U.S. 386, 395 (1989)). The validity of such physical coercion during a Terry stop is determined by a totality of the circumstances analysis, and even the forced handcuffing of a suspect does not automatically elevate an investigatory detention to a de facto arrest. See e.g. Tom v. Voida, 963 F.2d 952, 958 (7th Cir. 1992); United States v. Taylor, 716 F.2d 701, 708 (9th Cir. 1983). In Tom, even though he did not appear to be dangerous at the time, application of physical force to the suspect was deemed reasonable due to his evasive actions in a high-crime area. See 963 F.2d at 958. Axial to the justification of physical contact is "the severity of the crime at issue [and] whether the suspect poses an immediate threat to the safety of the officers or others." Id. (quoting Graham, 490 U.S. at 394-396).

The Maquire court, relying in part on both Tom and Graham, found that even though police officers wrestled Maquire to the ground, their actions did not constitute a de facto arrest. See 359 F.3d at 78. Examining the factual context of the case, the court justified this heightened level of physical contact because the officers were "attempting to ensure their own personal safety." Id. The investigating officers were thus "entitled" to apply physical force in their search for weapons "if they felt their safety was threatened." Id. Although the officers testified that they did not wrestle Maquire to the ground until they observed a "black handled item" in his waistband, the court declined to allow this single point to govern their analysis of the totality of the circumstances. Id.

Given this, it is implausible to argue that Trp. Walls' seizure of Dancy constituted a de facto arrest. Trp. Walls initiated physical contact for the express purpose of ensuring not only his personal safety, but that of his fellow officers and the patrons of Boomer's. Entering the bar, Trp. Walls was confronted with an individual matching the description of a gunman who immediately took evasive measures. Trp. Walls was clearly permitted to physically restrain Dancy as he did. Aside from the legal standards to the contrary, it would be dangerous precedent for this Court and society to deny Trp. Walls the opportunity to reasonably ensure the safety of himself and others

on the scene.

Dancy's allegations that his split-second seizure instantly vaulted beyond the scope a valid Terry stop and became a de facto arrest are thus unsupportable. Once past this, Trp. Walls' instantaneous discovery of Dancy's sidearm renders moot any protestations regarding probable cause for arrest.

CONCLUSION

WHEREFORE, for the above reasons the government respectfully requests that this Court deny the Defendant's Motion to Suppress Evidence.

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney
(617) 748-3103

Dated: September 9, 2005

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document electronic court filing:

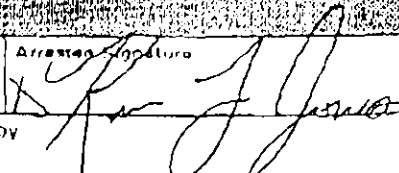
Stephen Hrones, Esq.
Jessica Hedges, Esq.
Hrones, Garrity & Hedges, LLP
Lewis Wharf - Bay 232
Boston, MA 02109

This 9th day of September, 2005.

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney

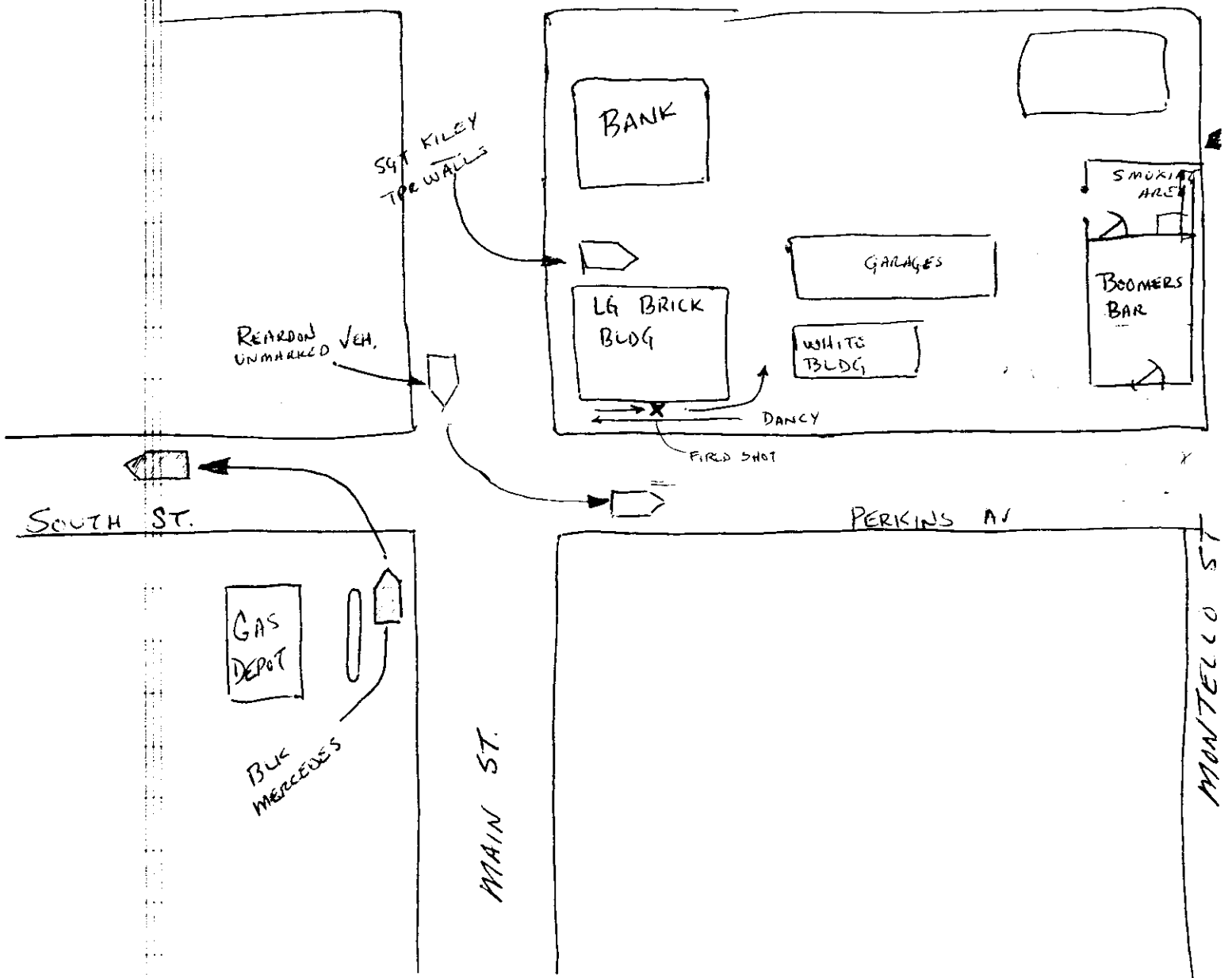
EXHIBIT A

OBTN TBRO000040134		BROCKTON POLICE DEPARTMENT Arrest Booking Report				Case No. 04015608	
ARRESTEE							
Arrestee Name (Last, First, Middle Initial) DANCY, WILLIE L.				Arrest No. 00021348		Social Security No. 031-74-6850	
Address 80 BARTLETT ST 1ST, BROCKTON, MA				Scars, tattoos, etc. NONE			
Sex M	Race B	Height 509	Weight 170	Hair BLK	Eyes BRO	Build MED	Complexion DARK
Marital Status SINGLE		D.O.B. 01/31/1975		Age 29		Place of Birth BOSTON	
Father's Name WILLIE ROBINSON		Mother's Maiden Name DANCY, DEBORAH		Wife's Maiden Name		Husband's First Name	
Occupation BARBER		Employer UNEMPLOYED		Alias/Nickname 1 DASHAWN			
Alias/Nickname 2 COOPER				Alias/Nickname 3 COOP			
CHARGE							
Charge(s)		MGL Chapter/Section		Warrant Number			
1) UNL DISCH 500'DWEL		269-12E					
2) UNL CARRY FIREARM (2 CTS)		269-10A					
3) UNL POS F/ARM AMMO (2 CTS)		269-10					
4) DISORDERLY PERSON		272-63					
5) RESISTING ARREST		288-32B					
6) WARRANT (LOCAL)				0415CR007159			
7) WARRANT (LOCAL)				0415CR007160			
8) REC STLN PROPERTY		266-60					
PSN							
Arrest Date 12/08/2004		Time 22:15		Arrest Location 26/PERKINS AV		Arresting Officer 1 REARDON MARK	
						Arresting Officer 2 HYLAND, THOMAS	
						Domestic Violence? NO	
CONTROL							
Booking Date 12/08/2004		Time 21:49		Booking Officer LOBO, JOSE		Cell No. 01	
						Matron	
						Police Department on Warrant BROCKTON	
Rights given by DIBARI, ROBERT F		Visible Injuries? NO		Comments OC WAS USED ON DEF			
Searched by KERR, CHRISTOPHER		No. Codefendants 2		Codefendant(s) Name(s) MICHAEL BOURNE, KEVIN JONES			
JUVENILE							
Person to notify		Relationship		Address		Telephone No	
Probation Officer		Release or Hold		Notified by		Juvenile released to (Signature)	
RELEASE							
I was informed of my right to remain silent, to use a telephone, at my own expense, for the purpose of communicating with family or friends, to arrange bail or to call an attorney						Arrestee Signature	
Telephone used? (yes or no)		Bail Amount		Date/Time Released		Released by	

OBTN TBRO000040135		BROCKTON POLICE DEPARTMENT Arrest Booking Report				Case No. 04015608	
ARRESTEE							
Arrested Name (Last, First, Middle Initial) JONES, KEVIN L.				Arrest No. 00039233		Social Security No. [REDACTED]	
Address 263 GREEN ST #1, BROCKTON, MA				Scars, tattoos, etc.			
Sex M	Race B	Height 508	Weight 145	Hair BLK	Eyes BRO	Build THN	Complexion DARK
Marital Status SINGLE		D.O.B. [REDACTED]		Age 25		Place of Birth STOUGHTON MA	
Father's Name KEVIN GABOUREL		Mother's Maiden Name JONES		Wife's Maiden Name		Husband's First Name	
Occupation SALESMEN		Employer NEXTEL CENTRE ST		Alias/Nickname 1 JONES, DESMOND		Weekly Wage 300	
Alias/Nickname 2				Alias/Nickname 3			
CHARGE							
Charge(s)		MGL Chapter/Section		Warrant Number			
1) UNL POSS FIREARM		269-10H					
2) UNL POSS AMMUNITIO		269-1007					
3) DISORDERLY PERSON		272-53					
4) REC STLN PROPERTY		266-60		GUN			
5) POSS CS CLASS D		94C-34					
PSN							
Arrest Date 12/08/2004		Time 22:15		Arrest Location 26/PERKINS AV		Arresting Officer 1 REARDON MARK	
						Arresting Officer 2 HYLAND, THOMAS	
						Domestic Violence? NO	
CONTROL							
Booking Date 12/08/2004		Time 23:29		Booking Officer LOBO, JOSE		Cell No. 4	
						Matron	
						Police Department on Warrant	
Rights given by MCCABE LEON		Visible Injuries? NO		Comments			
Searched by CESARINI, MICHAEL		No. Codefendants 2		Codefendant(s) Name(s) DANCY, WILLIE, BOURNE MICHAEL			
JUVENILE							
Person to notify		Relationship		Address		Telephone No.	
Probation Officer		Release or Hold		Notified by		Juvenile released to (Signature)	
RELEASE							
I was informed of my right to remain silent, to use a telephone, at my own expense, for the purpose of communicating with family or friends, to arrange bail or to call an attorney.						Arrested Signature 	
Telephone used? (yes or no)		Bail Amount		Date/time Released		Released by	

001 (B)

Offense/Incident		BROCKTON POLICE DEPARTMENT		Case No.	
UNL CARRY FIREARM		ARREST REPORT		04015608	
Offense Date and Time		Day		Arrest Date and Time	
12/08/2004 21:14		Wed		12/08/2004 21:30 Wed	
Location of Offense		Apt		Sector	
26/PERKINS AV		SE		4	
Defendant's Name		Sex		Race	
DANCY WILLIE		L		M	
Defendant's Address		Hgt		Wgt	
30 BARTLETT ST 1ST BROCKTON MA		509		170	
Defendant's Address		D.O.B.		A/J	
30 BARTLETT ST 1ST BROCKTON MA		01/31/1975		ADULT	
Offense(s) Charged		A		B	
UNL CARRY FIREARM		UNL POSS AMMUNITIO		UNL DIS F'ARM CITY	
Offense(s) Charged		D		E	
UNL CARRY FIREARM		UNL POSS AMMUNITIO			
Weapon(s) Used		Location of Arrest			
HANDGUN		26/PERKINS AV BOOMERS			
Co-Defendant		Address		D.O.B.	
JONES KEVIN		L 263 GREEN ST #1 BROCKTON MA			
Co-Defendant		Address		D.O.B.	
BOURNE MICHAEL		J 165/CHATHAM WEST DR BROCKTON M			
Type of Property		Make		Model	
FIREARMS/ACCESSORI		S&W		908	
Type of Property		Make		Model	
FIREARMS/ACCESSORI		N AMER ARM		.22 MAGNUM	
Type of Property		Make		Model	
DRUGS/ILLICIT		HERB			
Witness 1		Sex		Race	
REARDON MARK		M		W	
Residence Address		Res Telephone		Bus Telephone	
BROCKTON P.D				8975303	
Narrative:					
SEE ATTACHED REPORT					
Signed under the pains & penalties of perjury. (Arresting Officer Signature)					
<i>Det. Charles J. ...</i>					
Report Date		Supervisors Signature			
12-09-2004					



Detective Mark Reardon
Brockton PD - 8/9/05

**BROCKTON POLICE DEPARTMENT
CRIMINAL INVESTIGATION DIVISION
508 941-0234**

December 8, 2004

Case #: 0401-5608

Charges: Unl Carrying Firearm (2 cts), Rec'v stolen prop (firearm), Unl Poss ammo (2 cts), Unl Discharge F/A, Resisting arrest, Disorderly.

Defendant's: Willie Dancy 01/31/1975

Kevin Jones [REDACTED]

Micheal Bourne [REDACTED]

Narrative:

While working in a plain clothes capacity, in an unmarked police vehicle, This officer (Det Mark Reardon) was stopped at a red traffic light at the intersection of Main St and Perkins Av. This officer's attention was directed to a Black Mercedes at the Gas Depot gas pump with several males milling around the vehicle. As the light changed, I was making a left turn, Easterly on Perkins Av while beginning to enter the Mercedes plate number into my MDT. I then observed a black male running westerly on Perkins Av towards Main St. The black males gait appeared that he was being chased or chasing someone. As the black male passed my vehicle, I observed him raise a dark colored, large frame semi-auto from his side and point it towards the black Mercedes which had just sped off, westerly on South St. The black male appeared enraged at this and turned around, walking back easterly on the north sidewalk of Perkins Av. The black male took several steps, then raised the firearm with one hand and fired one round in the air. The male continued walking as this officer called in the observations and description to Brockton Police dispatch via radio. This officer observed the black male, described as having corn rolls, a gray hooded sweatshirt with writing on the front and dark blue jeans. The black male cut through between the large brick commercial building and a small white building as I lost visual contact. Several units were dispatched to assist as this officer then advised responding officers that knew David Taylor, that the party looked similar in appearance. This officer took up a vantage point to the rear of the bar and did not observe the black male flee the area and determined the black male had entered Boomer's Bar located on Perkins Av. When sufficient backup arrived, Officer Cesarini and this officer entered the front door of Boomers while Sgt Kiley, Tpr Walls and Officer Hyland entered the rear door of the bar. Tpr Walls observed Defendant William Dancy fitting the description, just inside the door walking towards them. As Dancy saw the

police, he turned around quickly and was grabbed by Tpr Walls. Dancy began to struggle and Tpr Walls grabbed the front right pocket of his black leather jacket and immediately felt a firearm, alerting "gun" to other officers. Dancy reached into the pocket and repeatedly attempted to pull the gun out while yelling, "Get off me nigger, I ain't got no gun!" Dancy struggled and pulled the cylinder of the gun out of his pocket and attempted to hand it off to defendant Bourne who refused it, dropping it to the ground. Dancy continued to fight and was directed to the floor as he wrestled out of his jacket and got up. Dancy was administered a one to two second burst of O.C spray by Ofc Cesarini and finally secured by several officers and handcuffed. Tpr Walls then located a .22 cal Magnum, North American Arms Cor, a cell phone and one .22 super X round. In the right front pocket of Dancy's leather jacket. *Note: Dancy was wearing dark blue jeans, a gray hooded sweatshirt with lettering on the front and had corn rolls at the time of his arrest and was positively identified by this officer as the black male observed minutes prior firing the 9mm on Perkins Av. Dancy was then removed to the area just outside of the rear door and secured. Defendant Bourne began verbally assaulting Ofc Hyland and attempting to stir up the other patrons in the bar against the police. Bourne was placed under arrest at this time. Ofc Wilbur then located a spent 9mm casing to the right of the rear door. The casing and scene were photographed and packaged by Deputy Ballinger, then transferred to this officer.

During initial entry into the bar, this officer approached the altercation at the rear door and heard Ofc Cesarini state, "gun!" while pointing to defendant Jones. Ofc Hyland observed a black / gray 9mm slide under the pool table from the direction of Jones and secured by Cesarini. This officer ordered Jones to show me his hands and get on the floor. Jones refused and tightened up stating, "I'm just shooting pool." I again ordered Jones to comply which he refused and attempted to pull away. Jones was guided, supported and directed to the floor as Cesarini handed the 9mm to Hyland, while he assisted this officer. Jones was finally secured and handcuffed at this time. Hyland made the weapon safe and secured the Smith & Wesson model # 908, ser# VJC5543, magazine with three live rounds and one live round in the chamber ready to fire. Hyland also recovered the .22 cal frame and cylinder which was loaded with one live round. The firearms and ammo were transported to the station by Hyland and Cesarini and logged in as evidence by Det. Gurney at the station. This officer examined the spent 9mm round located outside the rear door and determined that it matched the round in the chamber, F.C 9MM LUGER.

An NCIC check on the Smith & Wesson 9mm, ser # VJC5543 showed the firearm to be stolen from Brockton, Ma on 07/23/2004 in a residential house break. the firearm was reported stolen and issued BPD case # 0400-9278.

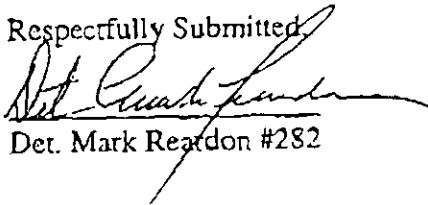
Ofc Wilbur spoke with the bartender, Alicia Costa-Burton, [REDACTED] who stated that the black kid that we arrested in the gray sweatshirt ran in the front door right before we came in. Alicia identified Dancy to Ofc Wilbur at that time.

The three defendants were booked at the Brockton police station, advised of rights and allowed to use the telephone w/o incident at this time. During the booking inventory process, Ofc Cesarini located a 'dime bag' of suspected marijuana in defendant Jones'

pocket. The evidence was seized and logged in by Det Gurney. Tpr Walls then had conversation with Dancy regarding his leather jacket. Dancy had already been placed in his cell and advised of rights. Walls located six dollars in Dancy's left jacket pocket and stated, I'm giving you back your money. Dancy then stated to Walls, "what about my cell phone?" Walls held up the cell phone and said, "here, I'm going to put it back in your jacket" and Dancy looked at the phone and said, "good, I'm gonna need that." Walls relates that the phone was located in the same pocket as the .22 cal firearm.

After booking and being remanded to the cell area, Tpr Telford overheard incriminating statements by the defendants. *See attached report by Tpr Telford.

Respectfully Submitted,



Det. Mark Reardon #282

EXHIBIT B

Hyland entered rear of Boomer's with Trpr Walls and Sgt Kiley. Trpr Walls attempted to secure Def Dancy. Dancy resisted. I assisted Walls bring Dancy to the floor. The cylinder of a silver .22 cal fell from Dancy's pocket. While on the floor, I saw a black handgun slide under the pool table in my direction. Walls had secured Dancy. I retrieved the .22 cylinder and its frame on the floor next to Dancy.

Def Bourne was secured by Sgt Kiley. Def Jones was the only subject standing on the opposite side of the pool table from where I saw the gun slide on the floor. Ofc Cesarini was assisting Det Reardon in securing Def Jones.

Seconds passed when Officer Cesarini pointed to the black handgun which was now on the pool table in front of the center pocket. I cleared the gun. There was one round in the chamber. I secured the gun.

(1) dime-bag of marijuana was secured from Def Jones left front pant pocket during the inventory search @ the station.

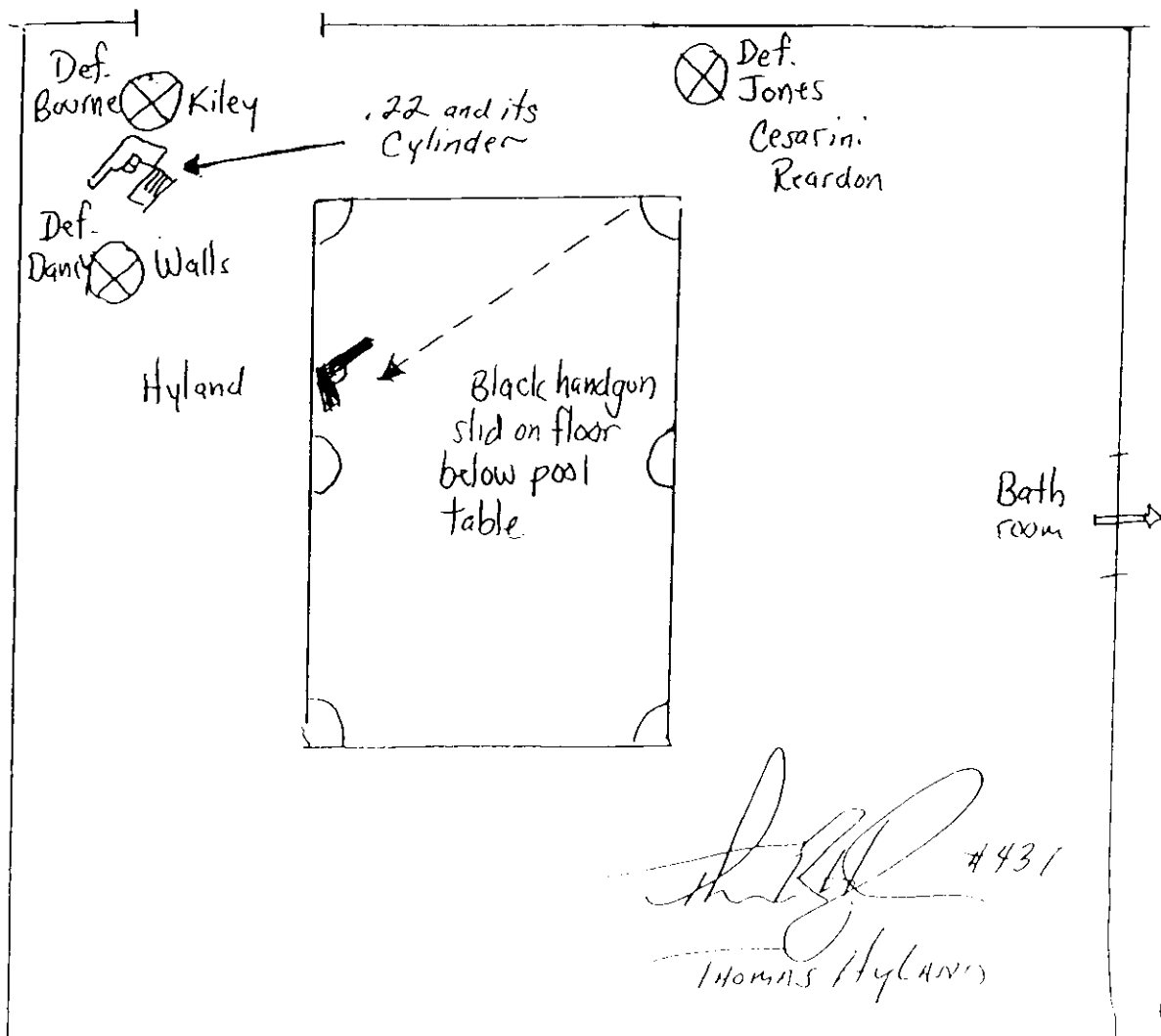
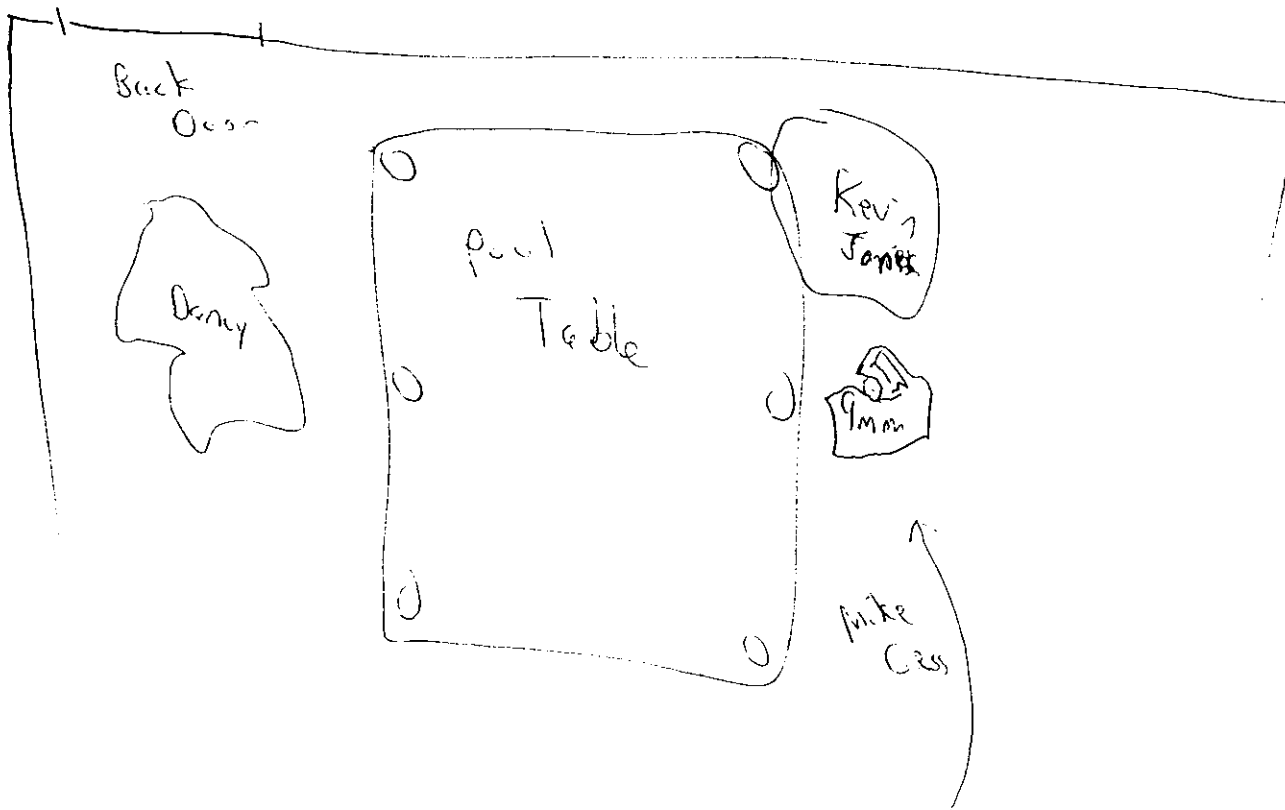


EXHIBIT C



Michael #33
Back to 33

front door

Officer Cesarini came in front door and walked toward attention in rear by the pool table. As Cesarini approached he found a 9mm on floor ~~near~~ next to Jones. Jones was angry to floor and was combative and resisted. He was forced down and arrested. Gun was recovered, cleared by Hyland. Cesarini then helped Denny under arrest. Brief struggle → MACE

EXHIBIT D

USE OF FORCE REPORTTO: CHIEF OF POLICE Studencki CASE NUMBER: 04015608FROM: Officer Mike Cesarini DATE: 12/8/04**TYPE OF FORCE USED**SERVICE PISTOL: _____ SHOTGUN: _____ POLICE BATON: _____ O.C. PEPPER: SPRAY ☒

O.C. PEPPER FOAM _____ POLICE K-9 _____ OTHER _____ EXPLAIN _____

LOCATION: 26 Perkins AvenueLOCATION OF INCIDENT: 26 Perkins AvenueDATE OF INCIDENT: 12/8/04 TIME OF INCIDENT: 2115NAME OF DEFENDANT: Dancy, Willie, L DOB: 1/31/75ADDRESS: 80 Bartlett St 1st Block TEL NUMBER: _____MEDICAL ATTENTION REQUIRED YES ☒ NO ☐ HOSPITAL TAKEN TO: _____SUBJECT ARRESTED: YES ☒ NO ☐ CHARGES: _____PHOTOS TAKEN: YES ☒ NO ☐ INVESTIGATING SUPERVISOR: _____B.C.I. INVESTIGATE: YES ☐ NO ☐ DETECTIVE ASSIGNED: _____**DESCRIPTION OF EVENTS**

REPORT: Trooper Frank Willis and I Officer Cesarini were attempting to place the defendant under arrest for a shooting which Detective Reardon witnessed minutes prior. A gun was found on the defendant's person prior to the attempted arrest. A struggle ensued and the defendant attempted to flee. I sprayed him with a 1 to 1 second burst of O.C. spray. He became compliant and was taken into custody. He was given bio shield to neutralize the O.C. No further incident.

SIGNATURE: M. Er #331 DATE: 12/8/04 SUPERVISOR: A. T. McLaughlin #254

EXHIBIT E



EXHIBIT F

MASSACHUSETTS STATE POLICE
GANG UNIT

SUPPLEMENTAL REPORT
TO BPD CASE# 04015608

On Wednesday, December 8, 2004, at between 2300 and 2359 hours, I (Tpr Erik Telford) was present at Brockton PD for the booking of DANCY, William, JONES, Kevin and BOURNE, Michael. After the above subjects were booked and advised of all rights and charges they were placed in separate cells in the cell block area. DANCY was placed in cell#1, JONES in cell#4, and BOURNE in cell#5. I overheard the DANCY and JONES conversing while they were in their cells.

JONES: "Yo Will, you know the Smith and Wesson don't take no prints."

DANCY: "What Kev?"

JONES: "The Smith and Wesson don't hold no prints."

Minutes later the parties were talking about what they were being charged with while BOURNE was being booked. JONES explained to DANCY the charges on his booking sheet.

JONES: "Will, I'm getting charged with the big one and you're getting charged with the little one. I'm being charged with receiving stolen property."

DANCY: "I know, I feel you, and you think it's my fault because I had to go and do that shit. I should have been on point. But yo, I'll talk to you later you about that shit because these walls listen. Don't say shit in the cell block."

JONES: "Yo, what's up with Mike? I don't trust that nigga."

DANCY: "Was he right here that whole time but being quiet?"

JONES: "Yeah, they're not charging him with a burner."

DANCY: "Yo, nigga's talking."

JONES: "This is like my third burner case... I'm gonna be 35 when I get out but I'll still be young enough to be a player!"

DANCY: "I got the same shit Kev. I got three burners, two I did time for and one dismissed. But they got it all wrong. They found the burners under the pool table not in any one's hand. They don't have shit."

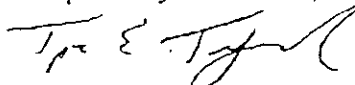
JONES: "Yeah, it has to be in your domain or control."

DANCY: "Those niggas should have never left the back door open to do that bullshit."

JONES: "Yeah."

At no point in time during the arrest or booking of the above subjects were the defendants made aware by the police of what types or name brand of firearms were seized. Furthermore, the defendants were not advised which of the two firearms they were being charged with or whether or not the 9mm or the .22 Cal was stolen. They were advised they were being charged with a firearm each, possession of ammo, and JONES was advised of his charge of receiving stolen property, gun.

Respectfully Submitted,



Erik Telford, #2934

Trooper, Mass State Police

EXHIBIT G



MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

EDWARD A. FLYNN
SECRETARY

MICHAEL THOMAS G. ROBBING
SUPERINTENDENT

The Commonwealth of Massachusetts Department of State Police

Firearms Identification Section

59 Horse Pond Road

Sudbury, Massachusetts, 01776

DATE: August 17, 2005

FID#: 34235

CERTIFICATE OF EXAMINATION AND TEST FIRING

Det. Patriak Bonehuc
Police Dept.
7 Commercial St.
Brockton, MA 02302

Re: #64015608

Dear Sir,

On December 15, 2004 the following was submitted to this section for examination by yourself.

Description: 1-1 .22MAGNUM caliber North American Arms mini-revolver, serial #E18446.
Center pin and grips missing.
1-2 Two (2) live Ctges, both 22MAGNUM caliber "SUPER-X".

Barrel length: 3 inches Test Firing: Yes Malfunctions: Center pin replaced
Remarks: Including cylinder. with steel nail.

One of the submitted live Ctges used testing.

On the basis of my observations, experience, and test firings, it is my opinion that the above submitted evidence is
a firearm and ammunition within the meaning of and as defined in Massachusetts
General Law Chapter 140 Section 121.

I, Michael R. Arnold, a Massachusetts State Police Officer assigned to the Firearms Identification Section do hereby swear and affirm that I have been qualified as a Ballistics Expert in the District/Superior Courts of the Commonwealth as an expert witness in the area of Firearms Identification in compliance with Massachusetts General Law Chapter 140 section 121A for the issuance of this certificate.

Massachusetts State Police
Firearms Identification Section

Middlesex, ss.

Subscribed and sworn to me this 17th day of August, 2005.

I know this subscriber to be a qualified Ballistics Expert of the Massachusetts State Police Firearms Identification Section.

(Notary Public)

104



JOHN P. BUSA
Notary Public
Commonwealth of Massachusetts
My Commission Expires
February 28, 2008

My commission expires:



Firearms Identification Section

59 Horse Pond Road

Sudbury, MA 01776

Voice: (508) 358-3180 Fax: (508) 358-3251

Evidence Submission Report



Lab Code / Case No.: SCL 04-12626
 Department Name: Brockton Police Department
 Department Case No.: 04015608
 Case Officer: Detective Patrick Donohue #380
 Reference(s):
 04-12626 04015608 FID # 34235

Case Type: Ballistics case
 Offense Location: Brockton
 Offense Date: 12/08/2004
 Offense Type: Possession of Firearm

DEFT: WILLIE DANCY

Submission No.: 1

Submission Date: 12/15/2004

Submitted By: Detective Patrick Donohue #380

Comments:

Container #	Item #	Description / Source
A	1-1	One Firearm (Handgun) Box, Firearm North Amer. Arms 22 Rev (H01455) 22 MAGNUM CAL MINI-REVOLVER * D10446 CENTER PIN → REPLACED WITH NAIL + GRIPS MISSING + FRINGE CORROSION
B	1-2	One small paper bag containing, Ammunition 22 cal ② LIVE CTSES "22 MAGNUM SUPER X" ONE TEST FIRE USING 22 MAG RUMER SINGLE SIX REV.

105

205 Donohue

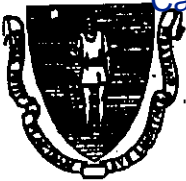
Evidence Returned To (Signature and Agency of Recipient):

Date:

Returned By:

12-22-04

JPR



MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

EDWARD A. FLYNN
SECRETARY

JOEL THOMAS G. ROSSINI
SUPERINTENDENT

The Commonwealth of Massachusetts

Department of State Police

Firearms Identification Section

59 Horse Pond Road

Sudbury, Massachusetts, 01776

DATE: February 1, 2005

FID#: 34235

CERTIFICATE OF EXAMINATION AND TEST FIRING

Det. Patrick Donohue
Police Dept.
7 Commercial St.
Brockton, MA 02302

Re: #04015608

Dear Sir,

On January 21, 2005 the following was submitted to this section for examination by yourself: Tpr. Kevin Halle, CSSS Middleboro

Description: 2-1 9mm caliber Smith & Wesson Model-908 semi automatic pistol, serial #VJ05543. With magazine and four (4) 9mm caliber live Ctges. 2-2.
2-3 One (1) discharged Ctge casing, "F0 9MM LUGER".

Barrel length: 3 & 1/2 inches Test Firing: Yes Malfunctions: None

Remarks: One of the submitted live Ctges used testing.
As a result of physical and microscopic examination of the tests from item 2-1 against the submitted evidence, it is my opinion that: The discharged Ctge casing mentioned in item 2-3 was fired by the Smith & Wesson Model-908 pistol, serial #VJ05543.

On the basis of my observations, experience, and test firings, it is my opinion that the above submitted evidence is a firearm and ammunition within the meaning of and as defined in Massachusetts

General Law Chapter 140 Section 121.

I, Michael R. Arnold, a Massachusetts State Police Officer assigned to the Firearms Identification Section do hereby swear and affirm that I have been qualified as a Ballistics Expert in the District/Superior Courts of the Commonwealth as an expert witness in the area of Firearms Identification in compliance with Massachusetts General Law Chapter 140 section 121A for the issuance of this certificate.

Massachusetts State Police
Firearms Identification Section

Middlesex, ss.

Subscribed and sworn to me this 1st day of February, 2005.

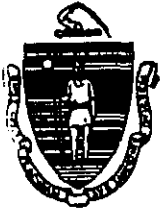
I know this subscriber to be a qualified Ballistics Expert of the Massachusetts State Police Firearms Identification Section.



DOUGLAS A. WEDGETT
Notary Public
Commonwealth of Massachusetts
My Commission Expires
July 8, 2005

(Notary Public)

My commission expires:



Firearms Identification Section
 59 Horse Pond Road
 Sudbury, MA 01776
 Voice: (508) 358-3180 Fax: (508) 358-3251

Evidence Submission Report



Lab Code / Case No.: SCL 04-12626 Case Type: Ballistics case
 Department Name: Brockton Police Department Offense Location: Brockton
 Department Case No.: 04015608 Offense Date: 12/08/2004
 Case Officer: Detective Patrick Donohue #380/DRM Offense Type: Possession of Firearm
 Reference(s):
 04-12626 04015608 FID # 34235 DEFT: WILLIE L DANCY

Submission No.: 2
 Submission Date: 1/5/2005
 Submitted By: Det.P.Donohue
 Comments: Firearm submitted for examination for latent prints

Container #	Item #	Description / Source
C	2-1	One paper envelope containing, Item for Fingerprint Examination - S&W 9mm S/N VJC5543, magazine M-908 w/magazine BL 3 1/2" 5R MAG. CAP. = 8 LIVE CTG
C	2-2	One paper envelope containing, Item for Fingerprint Examination - (4) 9mm rounds (4) { 2 = "WIN 9mm LUGER" 1 = "FC 9mm LUGER" → ONE USED TESTED 1 = "PMC 9mm LUGER"

21-05 Received from K. Helle, CSSS Middleboro

107

Evidence Returned To (Signature and Agency of Recipient): 	Date: 2-2-05	Returned By:
---	-----------------	------------------



Firearms Identification Section
59 Horse Pond Road
Sudbury, MA 01776
Voice: (508) 358-3180 Fax: (508) 358-3251

Evidence Submission Report



Lab Code / Case No.: SCL 04-12626 Case Type: Ballistics case
Department Name: Brockton Police Department Offense Location: Brockton
Department Case No.: 04015608 Offense Date: 12/08/2004
Case Officer: Detective Patrick Donohue #380/DRM Offense Type: Possession of Firearm
Reference(s):
04-12626 04015608 FID # 34235

Submission No.: 2

C	2-3	One paper envelope containing, Item for Fingerprint Examination - (1) spent 9mm casing ① "FC 9MM LUGER" → FIRED BY 2-1 OF CMJ
	File-305	One file folder, Case File of CSSS - Middleboro

108

Evidence Returned To (Signature and Agency of Recipient):	Date:	Returned By:
---	-------	--------------

EXHIBIT H



082

EXHIBIT I

USMS Number: 25547038
ORI: MAUSM0100

Date of Arrest: 03 / 08 / 2005
FBI Number:

Last Name: DANCY
First Name: WILLIE
Middle Name: LORENZO

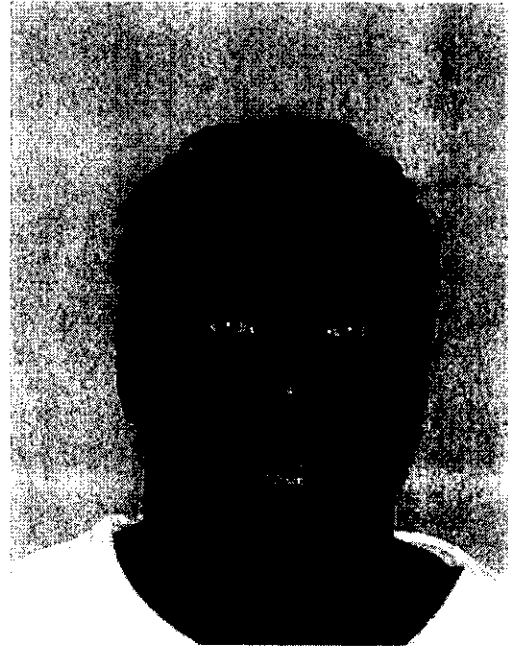
Sex: M
Race Code: B
DOB: 01 / 31 / 1975

Height: 5 FT 9 IN
Weight: 170 LBS

Eye Color: BRO
Hair Color: BLK

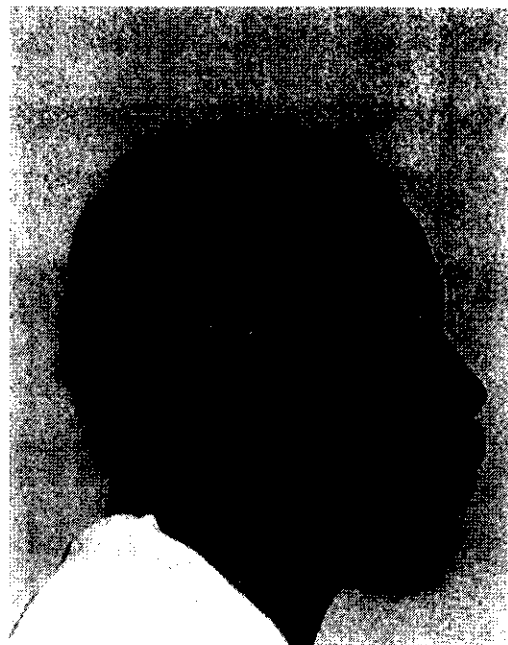
View: Front

Date Taken: 03 / 08 / 2005



View: Side R

Date Taken: 03 / 08 / 2005



LIMITED OFFICIAL USE

083

EXHIBIT J

***** WARNING ***** WARNING *****

THIS INFORMATION IS CORI. IT IS NOT SUPPORTED BY FINGERPRINTS.
PLEASE CHECK THAT THE NAME REFERENCED BELOW MATCHES THE NAME AND DATE OF BIRTH
OF THE PERSON REQUESTED.

COMMONWEALTH OF MASSACHUSETTS
CRIMINAL HISTORY SYSTEMS BOARD

*** PERSONS COURT SUMMARY ***

NAM: DANCY, WILLIE L FORMAL-NAM: WILLIAM PCF: 00001761968
DOB: 01/31/75 SEX: M RAC: B POB: BOSTON MA SSN: 031746850
MOM: DEBRA DANCY POP: WILLIE ROBINSON HGT: 508 WGT: 160 HAI: BLK EYE: BRO
ADDRESS: 80 BARTLETT ST APT 1 BROCKTON MA

ALIASES:

NAM: DANCY, WILLIAM L
FORMAL-NAM: WILLIAM
DOB: 01/31/75 SEX: M RAC:

***** ADULT APPEARANCES *****

ARRAIGNMENT: (001)

ARG-DATE: 12/09/04 PD: BRO COURT: BROCKTON DISTRICT DKT#: 0415CR008920A
OFF: DISCHARGING A FIREARM W/I 500' BLDG FIR DISCH
DISP: C 1/6/05 STATUS: O WPD:

ARRAIGNMENT: (002)

ARG-DATE: 12/09/04 PD: BRO COURT: BROCKTON DISTRICT DKT#: 0415CR008920B
OFF: FIREARM VIOLATION(SPECIFY) UNLIC CARRY FIR
DISP: C 1/6/05 STATUS: O WPD:

ARRAIGNMENT: (003)

ARG-DATE: 12/09/04 PD: BRO COURT: BROCKTON DISTRICT DKT#: 0415CR008920C
OFF: FIREARM VIOLATION(SPECIFY) UNLIC CARRY FIR
DISP: C 1/6/05 STATUS: O WPD:

ARRAIGNMENT: (004)

ARG-DATE: 12/09/04 PD: BRO COURT: BROCKTON DISTRICT DKT#: 0415CR008920D
OFF: POSS OF FIREARM W/O FID CARD FIR POSS
DISP: C 1/6/05 STATUS: O WPD:

RRAIGNMENT: (005) ARG-DATE: 12/09/04 PD: BRO COURT: BROCKTON DISTRICT OFF: POSS OF FIREARM W/O FID CARD DISP: C 1/6/05	DKT#: 0415CR008920E FIR POSS STATUS: O WPD:
RRAIGNMENT: (006) ARG-DATE: 12/09/04 PD: BRO COURT: BROCKTON DISTRICT OFF: DISORDERLY CONDUCT DISP: C 1/6/05	DKT#: 0415CR008920F DIS COND STATUS: O WPD:
RRAIGNMENT: (007) ARG-DATE: 12/09/04 PD: BRO COURT: BROCKTON DISTRICT OFF: RESISTING ARREST DISP: C 1/6/05	DKT#: 0415CR008920G RESIST ARST STATUS: O WPD:
RRAIGNMENT: (008) ARG-DATE: 12/09/04 PD: BRO COURT: BROCKTON DISTRICT OFF: KNOWINGLY REC STOLEN PROP MORE - FIREARM DISP: C 1/6/05	DKT#: 0415CR008920H RSG STATUS: O WPD:
RRAIGNMENT: (009) ARG-DATE: 11/04/04 PD: BRO COURT: BROCKTON DISTRICT OFF: B&E NT W/I COM FEL DISP: WAR 12/9/04 WR C 1/6/05	DKT#: 0415CR007159A B&E NT W/I FEL STATUS: O WPD:
RRAIGNMENT: (010) ARG-DATE: 11/04/04 PD: BRO COURT: BROCKTON DISTRICT OFF: A&B DANGEROUS WEAPON KNIFE DISP: WAR 12/9/04 WR C 1/6/05	DKT#: 0415CR007160A A&B DW STATUS: O WPD:
RRAIGNMENT: (011) ARG-DATE: 11/04/04 PD: BRO COURT: BROCKTON DISTRICT OFF: ASSAULT AND BATTERY DISP: WAR 12/9/04 WR C 1/6/05	DKT#: 0415CR007160B A&B STATUS: O WPD:
RRAIGNMENT: (012) ARG-DATE: 05/03/02 PD: BRO COURT: BROCKTON DISTRICT OFF: FIREARM VIOLATION(SPECIFY) UNL POSS LGE CAP. DISP: C 9/26/02 (JT) 6/17/03 DISM	DKT#: 0215CR003444A FIR STATUS: C WPD:

RRAIGNMENT: (013) ARG-DATE: 05/03/02 PD: BRO COURT: BROCKTON DISTRICT	DKT#: 0215CR003444B
--	---------------------

RRAIGNMENT: (014)

ARG-DATE: 05/03/02 PD: BRO COURT: BROCKTON DISTRICT
OFF: FIREARM VIOLATION(SPECIFY) UNL CARRY
DISP: C 9/26/02 (JT) 6/17/03 G 1YR CMTD

DKT#: 0215CR003444C
FIR
STATUS: C WPD:

RRAIGNMENT: (015)

ARG-DATE: 05/03/02 PD: BRO COURT: BROCKTON DISTRICT
OFF: FIREARM VIOLATION(SPECIFY) UNL POSS
DISP: C 9/26/02 (JT) 6/17/03 G FILE

DKT#: 0215CR003444D
FIR
STATUS: C WPD:

RRAIGNMENT: (016)

ARG-DATE: 05/03/02 PD: BRO COURT: BROCKTON DISTRICT
OFF: FIREARM VIOLATION(SPECIFY) UNL POSS
DISP: C 9/26/02 (JT) 6/17/03 G FILE

DKT#: 0215CR003444E
FIR
STATUS: C WPD:

RRAIGNMENT: (017)

ARG-DATE: 05/03/02 PD: BRO COURT: BROCKTON DISTRICT
OFF: POSS TO DISTRIBUTE CLASS B
DISP: C 9/26/02 (JT) 6/17/03 G 90DA CMTD

DKT#: 0215CR003444F
CSA POSS DIST B
STATUS: C WPD:

RRAIGNMENT: (018)

ARG-DATE: 05/03/02 PD: BRO COURT: BROCKTON DISTRICT
OFF: POSS TO DISTRIBUTE CLASS D
DISP: C 9/26/02 (JT) 6/17/03 G 90DA CMTD

DKT#: 0215CR003444G
CSA POSS DIST D
STATUS: C WPD:

RRAIGNMENT: (019)

ARG-DATE: 05/03/02 PD: BRO COURT: BROCKTON DISTRICT
OFF: POSS CLASS B CONT SUB
DISP: C 9/26/02 (JT) 6/17/03 DISM

DKT#: 0215CR003444H
CSA POSS B
STATUS: C WPD:

RRAIGNMENT: (020)

ARG-DATE: 05/03/02 PD: BRO COURT: BROCKTON DISTRICT
OFF: CONTROL SUBSTANCE SCHOOL
DISP: C 9/26/02 (JT) 6/17/03 G 2YRS CMTD

DKT#: 0215CR003444I
CSA SCHOOL
STATUS: C WPD:

RRAIGNMENT: (021)

ARG-DATE: 02/20/02 PD: BRO COURT: BROCKTON DISTRICT
OFF: OPERATING AFTER SUSPEND LIC
DISP: C 3/29/02 DF 4/1/02 DR C 6/12/02 G FILE

DKT#: 0215CR001286A
114B-SUS
STATUS: C WPD:

RRAIGNMENT: (022)

ARG-DATE: 02/20/02 PD: BRO COURT: BROCKTON DISTRICT
 OFF: COMPULSORY INSURANCE VIOLATION
 DISP: C 3/29/02 DF 4/1/02 DR C 6/12/02 G FILE

DKT#: 0215CR001286B
 118A
 STATUS: C WPD:

RRAIGNMENT: (023)

ARG-DATE: 10/18/01 PD: BRO COURT: BROCKTON DISTRICT
 OFF: OPERATING AFTER SUSPEND LIC
 DISP: C 1/16/02 CC C 6/12/02 PD DISM

DKT#: 0115CR006665A
 114B-SUS
 STATUS: C WPD:

RRAIGNMENT: (024)

ARG-DATE: 10/18/01 PD: BRO COURT: BROCKTON DISTRICT
 OFF: MAL DESTRUCTION OF PROPERTY LESS
 DISP: C 1/16/02 DISM

DKT#: 0115CR008466A
 PROP MAL DES
 STATUS: C WPD:

RRAIGNMENT: (025)

ARG-DATE: 10/18/01 PD: BRO COURT: BROCKTON DISTRICT
 OFF: OPERATING AFTER SUSPEND LIC
 DISP: C 1/16/02 DISM

DKT#: 0115CR008466B
 114B-SUS
 STATUS: C WPD:

RRAIGNMENT: (026)

ARG-DATE: 04/18/01 PD: BRO COURT: BROCKTON DISTRICT
 OFF: KNOWINGLY REC STOLEN PROP MV
 DISP: C 7/13/01 DISM

DKT#: 0115CR003159A
 RSG
 STATUS: C WPD:

RRAIGNMENT: (027)

ARG-DATE: 10/12/00 PD: BRO COURT: BROCKTON DISTRICT
 OFF: TRESPASSING
 DISP: G \$100 FINE C 1/10/01 PD DISM

DKT#: 0015CR006728A
 TRES
 STATUS: C WPD:

RRAIGNMENT: (028)

ARG-DATE: 08/28/00 PD: BRO COURT: BROCKTON DISTRICT
 OFF: TRESPASSING
 DISP: C 10/10/00 G \$100 FINE C 1/10/01 PD DISM

DKT#: 0015CR006386A
 TRES
 STATUS: C WPD:

RRAIGNMENT: (029)

ARG-DATE: 08/01/00 PD: BRO COURT: BROCKTON DISTRICT
 OFF: TRESPASSING
 DISP: C 8/23/00 (JT) C 10/10/00 G \$100 FINE C 1/10/01
 PD DISM

DKT#: 0015CR005623A
 TRES
 STATUS: C WPD:

RRAIGNMENT: (030)

ARG-DATE: 07/21/00 PD: BRO COURT: BROCKTON DISTRICT DKT#: 0015CR005419A
OFF: TRESPASSING Case 1:04-cr-10387-RGS Document 23-3 Filed 09/09/2005 Page 16 of 21
DISP: C 8/23/00 (JT) C 10/10/00 G \$100 FINE C 1/10/01 STATUS: C WPD:
PD DISM

RRAIGNMENT: (031)
ARG-DATE: 05/08/97 PD: BRO COURT: BROCKTON DISTRICT DKT#: 9715CR003555A
OFF: TRESPASSING TRES
DISP: C 5/13/97 (JT) C 6/16/97 G 3MO CMTD STATUS: C WPD:

RRAIGNMENT: (032)
ARG-DATE: 05/08/97 PD: BRO COURT: BROCKTON DISTRICT DKT#: 9715CR003555B
OFF: POSS CLASS B CONT SUB CSA POSS B
DISP: C 5/13/97 (JT) C 6/16/97 G 3MO CMTD STATUS: C WPD:

RRAIGNMENT: (033)
ARG-DATE: 05/08/97 PD: BRO COURT: BROCKTON DISTRICT DKT#: 9715CR003555C
OFF: CONSPIRACY TO VIO CONT SUB ACT CSA CONSP
DISP: C 5/13/97 (JT) C 6/16/97 DISM STATUS: C WPD:

RRAIGNMENT: (034)
ARG-DATE: 02/24/97 PD: BRO COURT: BROCKTON DISTRICT DKT#: 9715CR001388A
OFF: FIREARM VIOLATION(SPECIFY) UNL CARRY FIR
DISP: C 4/11/97 (JT) C 5/13/97 G 6MO CMTD STATUS: C WPD:

RRAIGNMENT: (035)
ARG-DATE: 02/24/97 PD: BRO COURT: BROCKTON DISTRICT DKT#: 9715CR001388B
OFF: FIREARM VIOLATION(SPECIFY) UNL POSS FIR
DISP: C 4/11/97 (JT) C 5/13/97 G 1YR CMTD STATUS: C WPD:

RRAIGNMENT: (036)
ARG-DATE: 02/24/97 PD: BRO COURT: BROCKTON DISTRICT DKT#: 9715CR001388C
OFF: POSS CLASS D CONT SUB CSA POSS D
DISP: C 4/11/97 (JT) C 5/13/97 G FILE STATUS: C WPD:

RRAIGNMENT: (037)
ARG-DATE: 02/24/97 PD: BRO COURT: BROCKTON DISTRICT DKT#: 9715CR001388D
OFF: KNOWINGLY REC STOLEN PROP MORE RSG
DISP: C 4/11/97 (JT) C 5/13/97 DISM STATUS: C WPD:

RRAIGNMENT: (038)
ARG-DATE: 10/12/95 PD: BRO COURT: BROCKTON DISTRICT DKT#: 9515CR007900A
OFF: CONCEALING LEASED PROPERTY PROP CONCL L
DISP: C 10/25/95 DISM STATUS: C WPD:

RRAIGNMENT: (039)

ARG-DATE: 09/19/95 PD: BRO COURT: BROCKTON DISTRICT
 OFF: INTIMIDATION
 DISP: C 10/25/95 (JT) C 1/11/96 DISM

DKT#: 9515CR008434A
 INTIM
 STATUS: C WPD:

RRAIGNMENT: (040)

ARG-DATE: 09/19/95 PD: BRO COURT: BROCKTON DISTRICT
 OFF: POSS CLASS D CONT SUB
 DISP: C 10/25/95 (JT) C 1/11/96 DISM

DKT#: 9515CR008434B
 CSA POSS D
 STATUS: C WPD:

RRAIGNMENT: (041)

ARG-DATE: 01/26/95 PD: BRO COURT: BROCKTON DISTRICT
 OFF: THREATENING MURDER
 DISP: C 2/16/95 DISM

DKT#: 9515CR000736A
 THREAT
 STATUS: C WPD:

RRAIGNMENT: (042)

ARG-DATE: 01/26/95 PD: BRO COURT: BROCKTON DISTRICT
 OFF: CRIME OF (SPECIFY IN FULL) DISRUPT CT PROCEED
 DISP: C 2/16/95 G FILE

DKT#: 9515CR000736B
 CRIME OF
 STATUS: C WPD:

RRAIGNMENT: (043)

ARG-DATE: 09/19/94 PD: BRO COURT: BROCKTON DISTRICT
 OFF: A&B ON POLICE OFFICER
 DISP: DF DR C 2/17/95 (JT) C 5/16/95 DF DR DF 9/19/95 DR
 C 9/28/95 G 4MO CMTD

DKT#: 9415CR405970A
 A&B PO
 STATUS: C WPD:

RRAIGNMENT: (044)

ARG-DATE: 09/19/94 PD: BRO COURT: BROCKTON DISTRICT
 OFF: A&B DANGEROUS WEAPON
 DISP: DF DR C 2/17/95 (JT) C 5/16/95 DR DF 9/19/95 D/R
 C 9/28/95 G 4MO CMTD

DKT#: 9415CR405970B
 A&B DW
 STATUS: C WPD:

RRAIGNMENT: (045)

ARG-DATE: 09/19/94 PD: BRO COURT: BROCKTON DISTRICT
 OFF: DISTURBANCE
 DISP: DF DR C 2/17/95 (JT) C 5/16/95 DF DR DF 9/19/95 DR
 C 9/28/95 G FILE

DKT#: 9415CR405970C
 DISTURB
 STATUS: C WPD:

RRAIGNMENT: (046)

ARG-DATE: 09/19/94 PD: BRO COURT: BROCKTON DISTRICT
 OFF: DISORDERLY PERSON
 DISP: DF DR C 2/17/95 (JT) C 5/16/95 DF DR DF 9/19/95 DR
 C 9/28/95 G FILE

DKT#: 9415CR405970D
 DIS PERS
 STATUS: C WPD:

ARRAIGNMENT: (047)
ARG-DATE: 08/22/94 PD: BRO COURT: BROCKTON DISTRICT DKT#: 9415CR405097A
OFF: B&E DT W/I COM FEL B&E DT W/I FEL
DISP: C 5/16/95 DF DR DF 9/19/95 DR C 9/28/95 DISM STATUS: C WPD:

ARRAIGNMENT: (048)
ARG-DATE: 08/22/94 PD: BRO COURT: BROCKTON DISTRICT DKT#: 9415CR405097B
OFF: COMPULSORY INSURANCE VIOLATION 118A
DISP: C 5/16/95 DF DR DF 9/19/95 DR C 9/28/95 DISM STATUS: C WPD:

ARRAIGNMENT: (049)
ARG-DATE: 07/26/94 PD: BRO COURT: BROCKTON DISTRICT DKT#: 9415CR403751A
OFF: POSS CLASS B CONT SUB CSA POSS B
DISP: C 12/12/94 (JT) C 5/16/95 DF DR DF 9/19/95 D/R C STATUS: C WPD:
C 9/28/95 G 4MO CMTD

ARRAIGNMENT: (050)
ARG-DATE: 07/26/94 PD: BRO COURT: BROCKTON DISTRICT DKT#: 9415CR403751B
OFF: A&B ON POLICE OFFICER A&B PO
DISP: C 12/12/94 (JT) 5/16/95 DF DR DF 9/19/95 D/R C STATUS: C WPD:
C 9/28/95 G 4MO CMTD

ARRAIGNMENT: (051)
ARG-DATE: 07/26/94 PD: BRO COURT: BROCKTON DISTRICT DKT#: 9415CR403751C
OFF: A&B DANGEROUS WEAPON A&B DW
DISP: C 12/12/94 (JT) 5/16/95 DF DR DF 9/19/95 D/R C STATUS: C WPD:
9/28/95 G 4MO CMTD

ARRAIGNMENT: (052)
ARG-DATE: 07/26/94 PD: BRO COURT: BROCKTON DISTRICT DKT#: 9415CR403751D
OFF: DISTURBANCE DISTURB
DISP: C 12/12/94 (JT) 5/16/95 DF DR DF 9/19/95 D/R C STATUS: C WPD:
9/28/95 G FILE

ARRAIGNMENT: (053)
ARG-DATE: 07/26/94 PD: BRO COURT: BROCKTON DISTRICT DKT#: 9415CR403751E
OFF: FIREARM VIOLATION(SPECIFY) UNLAW POSS FIR
DISP: C 5/22/95 DF 9/19/95 D/R C 9/28/95 DISM STATUS: C WPD:

ARRAIGNMENT: (054)
ARG-DATE: 06/29/94 PD: BRO COURT: BROCKTON DISTRICT DKT#: 341582
OFF: OPEN AND GROSS O&G
DISP: C 8/30/94 DISM STATUS: C WPD:

ARRAIGNMENT: (055)
ARG-DATE: 06/29/94 PD: BRO COURT: BROCKTON DISTRICT DKT#: 341583
OFF: DISORDERLY PERSON DIS PERS

RRAIGNMENT: (056)

ARG-DATE: 11/19/93 PD: COURT: BROCKTON DISTRICT
OFF: DISTRIBUTE/DISPENSE CLASS B
DISP: C 12/6/93 DISM

DKT#: 332551
CSA DIST B
STATUS: C WPD:

RRAIGNMENT: (057)

ARG-DATE: 11/19/93 PD: COURT: BROCKTON DISTRICT
OFF: DISTRIBUTE/DISPENSE CLASS B
DISP: C 12/6/93 G 16MO CMTD 4/22/94 R/R 11MO SS 2/23/95
11/29/94 VOP 5/16/95WAR WR WAR 9/28/95 11MO CMTD

DKT#: 332552
CSA DIST B
STATUS: C WPD:

RRAIGNMENT: (058)

ARG-DATE: 09/15/93 PD: COURT: BROCKTON DISTRICT
OFF: DISTRIBUTE/DISPENSE CLASS B
DISP: C 4/13/94 3/30/94 G FILE

DKT#: 329483
CSA DIST B
STATUS: C WPD:

RRAIGNMENT: (059)

ARG-DATE: 09/15/93 PD: COURT: BROCKTON DISTRICT
OFF: POSS TO DISTRIBUTE CLASS B
DISP: C 4/13/94 3/30/94 G FILE

DKT#: 329484
CSA POSS DIST B
STATUS: C WPD:

RRAIGNMENT: (060)

ARG-DATE: 09/15/93 PD: COURT: BROCKTON DISTRICT
OFF: CONSPIRACY TO VIO CONT SUB ACT
DISP: C 4/13/94 3/30/94 G FILE

DKT#: 329485
CSA CONSP
STATUS: C WPD:

RRAIGNMENT: (061)

ARG-DATE: 09/15/93 PD: COURT: BROCKTON DISTRICT
OFF: TRESPASSING BUILDING
DISP: C 4/13/94 3/30/94 G FILE

DKT#: 329486
TRES
STATUS: C WPD:

RRAIGNMENT: (062)

ARG-DATE: 07/02/93 PD: COURT: BROCKTON DISTRICT
OFF: A&B DANGEROUS WEAPON
DISP: C 4/13/94 3/30/94 DISM

DKT#: 326101
A&B DW
STATUS: C WPD:

RRAIGNMENT: (063)

ARG-DATE: 06/30/93 PD: COURT: BROCKTON DISTRICT
OFF: KNOWINGLY REC STOLEN PROP
DISP: C 2/23/94 G PROB 2/23/95 REST VWF 11/29/94 VOP C
5/16/95 WAR WR WAR 9/19/95 W/R 9/28/95 11MO CMTD

DKT#: 326051
RSG
STATUS: C WPD:

RRAIGNMENT: (064)

ARG-DATE: 05/21/93 PD: COURT: BROCKTON DISTRICT

DKT#: 323843

OFF: ASSAULT DANGEROUS WEAPON

ASLT DW

DISP: C 2/23/94 DISM

STATUS: C WPD:

RRAIGNMENT: (065)

ARG-DATE: 05/21/93 PD: COURT: BROCKTON DISTRICT

DKT#: 323844

OFF: ASSAULT AND BATTERY

A&B

DISP: C 2/23/94 DISM

STATUS: C WPD:

RRAIGNMENT: (066)

ARG-DATE: 01/05/93 PD: COURT: BROCKTON DISTRICT

DKT#: 317800

OFF: B&E NT W/I COM FEL

B&E NT W/I FEL

DISP: DF 8/25/93 D/R C 4/13/94 3/30/94 DISM

STATUS: C WPD:

RRAIGNMENT: (067)

ARG-DATE: 01/05/93 PD: COURT: BROCKTON DISTRICT

DKT#: 317801

OFF: TRESPASSING BLDG

TRES

DISP: DF 8/25/93 D/R C 3/30/94 G FILE

STATUS: C WPD:

***** END OF ADULT APPEARANCES *****

EQUESTED BY: SHEILA O'HARA

COMPLETED BY: O'HARA, SHEILA

AGENCY: US ATF - BOSTON

NAME: DANCY, WILLIE L PCF: 00001761968 DOB: 01/31/75

** THE FOLLOWING ARRAIGNMENTS ARE JUVENILE APPEARANCES **
** PLEASE CHECK THE NEWS FILE FOR DISSEMINATION GUIDELINES **

ARRAIGNMENT: (001)

ARG-DATE: 11/04/91 PD:	COURT: BROCKTON JUVENILE	DKT#:	9115JV0781
OFF: CONTROL SUBSTANCE SCHOOL	B	CSA SCHOOL	
DISP: C 3/6/92 CMTD DYS		STATUS: C	WPD:

ARRAIGNMENT: (002)

ARG-DATE: 11/04/91 PD:	COURT: BROCKTON JUVENILE	DKT#:	9115JV0781A
OFF: POSS CONTROLLED SUBS W/I DIST	B	CSA POSS DIST	
DISP: C 3/6/92 CMTD DYS		STATUS: C	WPD:

ARRAIGNMENT: (003)

ARG-DATE: 05/23/90 PD:	COURT: DORCHESTER JUVENILE	DKT#:	9007JV0342A
OFF: A&B DANGEROUS WEAPON	IRON CROW BAR	A&B DW	
DISP: CWO 6/4/91 VWF 10/3/90 R/R CMTD DYS		STATUS: C	WPD:

***** END OF JUVENILE APPEARANCES *****

REQUESTED BY: SHEILA O'HARA
COMPLETED BY: O'HARA, SHEILA
AGENCY: US ATF - BOSTON